

**REGULAR MONTHLY MEETING
PIKE COUNTY BOARD OF COMMISSIONERS
November 12, 2008
9:00 AM**

The Pike County Board of Commissioners held their Regular Monthly Meeting on Wednesday, November 12, 2008 at 9:00 am in the Pike County Commissioners Meeting Room, Zebulon, Georgia. Members present were presiding Chairman Steve Fry, Commissioner Tommy Powers, Commissioner Jake Garner, Commissioner Roosevelt Willis and Commissioner Parrish Swift. Also in attendance were County Attorney Rob Morton and County Manager Steve Marro. (O.C.G.A. § 50-14-1(e) (2))

CHAIRMAN FRY CALLED THE PIKE COUNTY COMMISSIONERS MEETING TO ORDER AND ASKED EVERYONE TO JOIN HIM IN THE PLEDGE OF ALLEGIANCE TO THE FLAG.

CHAIRMAN FRY CALLED FOR APPROVAL OF THE AGENDA PURSUANT TO O.C.G.A. § 50-14-1(e) (1)

The agenda was amended as follows:

-Move Item 'H' (Request to defer forward funds from FY 2008 Budget for line item 100-17-1550-523400-000 Printing & Binding-Tax Assessor's office.) to below 'A'. Re-letter others.

-Change Public Hearing item 'A' from Sign Ordinance repealing chapter 156 to Sign Ordinance repealing Chapter 156.335-156.345 as set forth in the proposal.

MOTION

Commissioner Garner made the motion to approve the agenda as amended. Commissioner Powers seconded the motion. 5-0 vote.

CHAIRMAN FRY CALLED FOR APPROVAL OF THE MINUTES OF THE REGULAR MONTHLY MEETING HELD TUESDAY, OCTOBER 28, 2008 AT 6:30 PM PURSUANT TO O.C.G.A. § 50-14-1(e) (2)

MOTION

Commissioner Powers made the motion to approve the minutes from the Regular Monthly Meeting held October 28, 2008 at 6:30 pm as corrected. Commissioner Swift seconded the motion. 5-0 vote.

CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENTS AND COMMITTEES-MONTHLY REPORTS SUBMITTED FROM COUNTY DEPARTMENTS, BOARDS AND AUTHORITIES

MOTION

Commissioner Willis made the motion for acceptance of the monthly reports submitted from County Departments and County Authorities as submitted. Commissioner Swift seconded the motion. 5-0 vote.

CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENTS AND COMMITTEES-COUNTY MANAGER REPORT

-Mr. Marro stated that the ISO Survey would be next Wednesday or Thursday, November 19th or 20th.

-Next, Mr. Marro said that he was waiting for the survey from Steve Reeves on the Dabbs' property. Mr. Marro then thanked the Dabbs' for their donation of property.

-Mr. Marro then discussed the training certificates received by Kim Morris and Sean Townsend.

-Mr. Marro stated that the NACo prescription cards were out in the public. A list of locations within the county where this information has been placed was presented to

the Commissioners in their packets. This is a free program to Pike County residents. This program is for those people who do not have prescription insurance.

-Mr. Marro mentioned that he will be in training this Friday in St. Simons for the Regional Development Council.

-Lastly, Mr. Marro reminded the Commissioners about the meetings on Monday, November 17th at 4:00 pm and 5:30 pm conducted by the GA. Department of Natural Resources on the Digital Flood Insurance Rate Map. The 4:00 pm meeting is for the elected officials and the 5:30 pm is open to the public.

CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS, DEPARTMENT AND COMMITTEES-COMMISSIONERS REPORT

District 1- Commissioner Willis had no report today.

District 2- Commissioner Swift asked about the status of changing the fiscal year. Commissioner Swift said that he had spoken with Tax Commissioner Donna Wynn and was told that the change in fiscal year doesn't affect her at all. Per Mr. Marro, the auditors said that it does effect when the tax bills go out. The auditors are not ready to do their presentation and Mr. Marro would rather the Commissioners see the presentation before moving forward with this fiscal year change. If the county is going to look for a July 1st deadline, there is still time to move forward with that.

Commissioner Swift then brought up the Board of Education meeting where it was stated that the Board of Commissioners charged the Board of Education last year \$80,000.00 to send out the tax bills. Commissioner Swift said that the 2 1/2 % commission on the taxes that the Board of Education collects locally rendered \$80,000.00. Chairman Fry said that this was talking about processing and actually mailing out the bills that Donna Wynn's office does; it's not from the Commissioners office. Commissioner Swift said that he had followed up with Donna Wynn and it's always been done that way. Commissioner Swift said that he's trying to determine if this is robbing Peter to pay Paul. Swift said that if the Board of Education is going to pay the Board of Commissioners 2 1/2% commission on local taxes that they collect, they have to put the projected expenditure in their budget and we show it as revenue. Commissioner Swift said that he wanted someone to follow up on this. Swift said that if this is the case, he'd suggest abolishing it and figure a revenue line somewhere else. Chairman Fry said that someone would have to look at the state requirements to see how this is done. Commissioner Swift said that it is automatically in the computer but didn't know if it was statutory. County Manager Marro said that he'd check on that, saying that this was the first he's heard of it. Commissioner Swift said that if the county can show that they are using this money to operate the Tax Commissioners office, that's one thing but if it's just being used as a revenue source, he doesn't think that the citizens will agree to that.

Next, Commissioner Swift discussed the 2007/2008 fire department budget, asking if there was any leftover money in the budget. County Manager Marro said that there was a very minimal amount of money left; he thought less that \$2,000.00. Commissioner Swift said that he is being told that there was \$18,000.00 left in the budget. Mr. Marro said that there is money in that budget that was budgeted for the septic system and the driven well at the Hollonville fire station. That may be where the difference is.

Commissioner Swift then asked about the turbo drafts, saying that NFSO needs to say how many are needed. Swift said that the price is about \$3,750.00 excluding hoses, etc. not \$2,500.00 initially discussed. Swift asked who is going to be the liaison with Brian Cohen and the fire department, saying that he wanted to be sure that the county isn't wasting its time and money. County Manager Marro said that National Fire Service will be here to represent Pike County with the ISO survey. Mr. Marro said that he is assuming that Bill Dials will be working with ISO as the temporary fire chief. Commissioner Swift said that he's seen some communication gaps just over night.

District 3-Commissioner Powers had no report today.

District 4-Commissioner Garner stated that he has received calls from citizens in Hollonville saying that they appreciated the work done with the ditching and gravel.

Chairman Fry mentioned that the check from Insurance Commissioner John Oxendine's office for the 2008 distribution has come in for \$557,238.18 and that this money will go into the fund balance if it is not spent within the year on the designated items.

Mr. Fry also reminded everyone that this is Veteran's Recognition Week and asked everyone not to forget the veterans who fought to give us the freedom that we enjoy.

**CHAIRMAN FRY CALLED FOR REPORTS FROM COMMISSIONERS,
DEPARTMENT AND COMMITTEES-COUNTY ATTORNEY REPORT**

County Attorney Rob Morton said that the only thing that he wanted to discuss is the Adult Entertainment ordinance that was finalized by the CATF. This ordinance is ready to move forward but with the vacancy in the zoning administrator position, he wanted to be sure that this is not sat on. The commissioners had previously stated that they wanted a hand in the review of this process. Mr. Morton asked if the Board wanted to conduct a workshop on the proposed ordinance before it goes to the Planning Commission or do it simultaneously with the Planning Commission. Chairman Fry asked the Board if they had any preference. Mr. Morton said that if the Board did not want to have a workshop, he'll move forward with getting it on the agenda for the Planning Commission.

Mr. Morton then said that there were a few other ordinances that were being drafted, reviewed, and are going through the process. There are public hearings today on two of them and they'll continue with the process the best they can until the positions are filled at the Planning and Development department.

CHAIRMAN FRY CALLED FOR PUBLIC HEARINGS

A. Text Amendments and First Reading: Proposed text amendments to the Pike County Zoning Ordinance, Chapter 157-Sign Ordinance repealing chapter 156.335 to 156.345 of the Pike County Code of Ordinances. County Attorney Morton said that this is the public hearing for this ordinance and gave a brief history of the ordinance. He said that Pike County has worked on this ordinance for a long time with the assistance of outside counsel who is a leading expert on sign litigation in the State of Georgia. This went through the CATF for many sessions and has been reviewed and approved with recommendations by the Planning Commission. A staff report is included in the packets related to these proposed sections. It was Mr. Morton's understanding that the recommendations from the Planning Commission were approved and the staff is recommending approval. At this time, the Board will entertain the public hearing related to this proposed ordinance and changes that the Board has.

Chairman Fry asked if all appropriate advertisement and notices have been given. Mr. Morton said that the only comment he had on the notices, the notices were advertised and appropriate however the same notice that the Board had on their agenda was published in the paper related to repealing of Chapter 156, giving the impression that it was going to be repealed in its entirety. Mr. Morton said that his legal opinion is that doesn't effect the Board's ability to move forward today. The correct changes have been made to the agenda.

Chairman Fry opened the public hearing portion of the Sign Ordinance
Citizens speaking in favor:

Becky Watts said that she had a problem with the 32 square foot limit saying that you can't differentiate between campaign signs, etc, saying this was limiting citizen's rights. She said that the County would need the code enforced and that the County didn't have anyone to enforce the code.

Citizens speaking in opposition:

None

Chairman Fry closed the public hearing portion.

County Attorney Morton said that this section addresses signs that don't require a specific permit, for example, advertising a business in a residential area. Mr. Morton said that you can't restrict signs by type of speech. The total aggregate of 32 square feet per lot means that you can have one 8' x 4' sign or a combination of smaller signs. Mr. Morton said that this is the first reading and that the second reading will be on December 10, 2008 as the November night meeting is around the Thanksgiving holiday.

MOTION

Commissioner Willis made the motion to consider this the First Reading of the Text Amendments to Zoning Ordinance Chapter 157-Sign Ordinance. Commissioner Swift seconded the motion. 3-2 vote with Commissioners Powers and Garner opposed.

B. Text Amendments and First Reading: Conservation Subdivision Ordinance, Chapter 158. County Attorney Morton said that this ordinance was prepared by an outside assistant and reviewed by the Planning Commission on December 13, 2007 but was not sent up to the Board of Commissioners for some reason. Mr. Morton said that the document that is before the Board tonight is the document that was approved and recommended by the Planning Commission for the Conservation Subdivision. The Board has the recommendations from staff and the Planning Commission, both recommending approval. This is the public hearing for this document.

Chairman Fry opened the public hearing portion of the Conservation Subdivision Ordinance.

Citizens speaking in favor of this ordinance:

Margie Trammel said that this gives citizens the option of a small yard versus a 2 acre lot.

John Morrison recommended moving forward with the ordinance.

Citizens speaking in opposition to the ordinance:

None

Chairman Fry closed the public hearing portion of the Conservation Subdivision ordinance.

MOTION

Commissioner Garner made the motion to approve First Reading of Conservation Subdivision Ordinance Chapter 158. Commissioner Willis seconded the motion. 5-0 vote.

CHAIRMAN FRY CALLED FOR UNFINISHED BUSINESS

A. Presentation by the Dabbs' regarding fire station property. Mr. Eugene Dabbs spoke to the Commissioners saying that there was a small problem that he wanted to resolve at this morning's meeting. A copy of the letter received from Mr. Dabbs was enclosed in the meeting packets. Mr. Dabbs said that an appraisal of the property has been ordered but he didn't have the final amount of the appraisal. The question regards to a small payment that may be required to one of the Dabbs' daughters. Mr. Dabbs estimated the payment to be \$875.00. Mr. Dabbs said that this could wait until the next meeting when the appraisal is available or set an arbitrary figure today of up to \$1,500.00 realizing that it most likely will be considerably less. Have this in place so when the appraisal comes in, the deeds can be completed. Commissioner Swift said that this was based on a \$7,000.00 appraisal. Mr. Dabbs said that was correct. Mr.

Tripp Brisendine arrived at this time with the appraisal in the amount of \$7,000.00. Tripp passed the appraisal out to the Board. Mr. Brisendine explained that the first page showed where the markers actually are. The second page showed the proposed layout with the parking area, etc. The building will probably be located in the same spot but the pins have been moved to the south 75 feet. The pins on both of the drawings are not exactly the same but the building should be in the same location. Per Mr. Dabbs, there are two different plats because the land surveyor put the pins in one location and the family wanted them 75 feet over. Per Mr. Brisendine, the actual appraisal is at \$7,000.00. The payment would be one-eighth (1/8) of the \$7,000.00 value or \$875.00. Mr. Brisendine said that the health department found the septic system not to be the best due to the soil is not the best for a septic system. They will make an exception for this since the septic system will be used so infrequently. County Attorney Morton said that the septic system has been approved for this type of facility. If somebody tried to put a residential lot on this property, it wouldn't be sufficient. County Manager Marro said that he had discussion with Todd Goolsby and Bill Dials regarding the actual location of the building being closer to the road. Mr. Brisendine said that if they wanted the building closer to the road, he saw no problem with that. Mr. Dabbs then asked if a radon inspection had been done, saying that some of the firefighters had suggested that one be done. Mr. Brisendine said that he's working with Melinda at the Health Department on this. This will only effect the location of the building, but has nothing to do with the conveyance of the lot. County Attorney Morton said to further clarify; the design of the building will be up to the county. Mr. Brisendine and Mr. Dabbs are just taking care of the precautions and environmental matters where the actual site is. Mr. Brisendine said that the location of the pins will not change, the outer bounds. The lot won't change, but the location of the building is flexible.

MOTION

Commissioner Swift made the motion to pay fair market value for the 1/8 interest to the Dabbs Trust. This agreement to pay that was based on this appraisal that we have just seen at \$7,000.00 and the amount of \$875.00. Commissioner Willis seconded the motion. 5-0 vote.

County Attorney Morton said that when the conveyances were done, he asked that they get some sort of legal instrument that releases the other interests as well. Mr. Brisendine said that he would get quit claim deeds from all of the beneficiaries.

Commissioner Garner asked if radon was a problem out there. Mr. Brisendine said that there wasn't a problem as far as he knew but that several of the firefighters had suggested that this testing be done. Mr. Dabbs said that the lot is right next to a lot that has a lot of rock outcroppings that come above the surface so this is just a precaution.

B. Don Bailey to give an update on Friends of Pike County Animals. Mr. Bailey said that on September 30th, the draft animal control ordinance was presented. An animal control workshop was held on October 17th. Bailey said that a modular building was available next to the Zebulon City Hall. Commissioner Garner asked where the building was to go; Mr. Bailey said that was not yet determined. Commissioner Garner asked Mr. Bailey about the donations that he said he was going to get. Mr. Bailey said that they needed the land and site prepared first. Commissioner Garner said that Mr. Bailey was supposed to work toward funding the site. County Manager Marro said that the site available was not the one at the detention facility but at the Water Authority storage site. Mr. Marro said that there is about one acre available at the Water Authority site. Mr. Tom Lacey, Chairman of the Water Authority said that that site is not needed and that there is about two acres of land; one acre fenced in and one acre not fenced in. It was suggested that this property be made available for the animal control site. Commissioner Garner asked what the status of the referendum was. County Attorney Morton said that the information had been given to Billy Maddox but that it won't be heard until the January 2009 session of legislature. Commissioner Swift said that there a ways out from putting the building there. Mr. Marro said that the problem was

finding the money. Don Bailey said that a referendum wasn't needed. Commissioner Garner said that it was Don Bailey's opinion that a referendum was not needed. Commissioner Garner said that the information had been put out for the referendum in plenty of time. Commissioner Swift asked what the cost of a special election would be. County Manager Marro said that a special election would cost about \$20,000.00. Don Bailey said that there had been a 5-0 vote to donate the land.

MOTION

Commissioner Swift made the motion to designate this (Water Authority storage site) as a potential future site (for animal control), to make it available. Commissioner Willis seconded the motion. 3-2 vote with Commissioners Garner and Powers opposed.

Commissioner Garner said that they needed to look at the ordinance. Mr. Bailey said that the ordinance is still a draft and that it hasn't had a first reading yet. County Attorney Morton said that they can't effectuate the ordinance without a building and an animal control officer.

C. Don Bailey to give an update on the Pike County American Legion Post 197. Don Bailey said that on July 28, 2008 the American Legion Post 197 was re-established. On September 27, 2008, the Post made a formal recommendation that Highway 362 be recognized as Veterans Highway. Mr. Bailey then thanked all that attended the Veterans Day ceremony. Commissioner Powers said that there were a couple of other highways that were to be dedicated. County Attorney Morton said that those resolutions have already been passed and forwarded to the State Representative.

MOTION

Commissioner Powers made the motion endorsement of the resolution that Highway 362 be formally designated as Pike County Veterans Highway. Commissioner Garner seconded the motion. 5-0 vote.

CHAIRMAN FRY CALLED FOR NEW BUSINESS

A. Pre-Disaster Mitigation Plan Proposal. Request to authorize Pete Nelms to perform the contract. County Manager Marro said that when the EMA position was broken away from the Fire Chief's position, the focus of that was to try to get a Pre-Disaster Mitigation Plan done and approved for Pike County. This Plan has never been done and approved according to FEMA. Mr. Mike Singleton has been working on this since he was appointed as the EMA Director. This takes an inordinate amount of time to complete. Mr. Marro said that Robert Hiatt from the Regional Development Council is here to bring the Board up to speed on what a Pre-Disaster Mitigation Plan is and what the overall process is. Mr. Marro said that he asked the RDC while at the conference last week if they had any interest in doing this Plan for Pike County. Mr. Hiatt is going to discuss that with the Commissioners this morning. Mr. Marro said that there is also a proposal from Pete Nelms in the Commissioners packet. Mr. Marro said that there is a definite deadline of June 1, 2009 to get this Plan completed and in to FEMA for their approval. Mr. Marro at this time asked Chairman Fry to recognize Mr. Robert Hiatt and to allow Mr. Hiatt to discuss why a Pre-Disaster Mitigation Plan is necessary and what is involved in preparing this Plan. Mr. Marro said that he needed to know if the RDC is interested in doing this work for Pike County. Commissioner Swift asked if there was a cost associated with the preparation of this Plan. County Manager Marro said yes, there is a cost associated but that the cost to the county is reimbursable through a GEMA grant. Mr. Hiatt said that the McIntosh Trail RDC has written Pre-Disaster Mitigation Plans for Laurens and Spalding Counties in recent years. In June 2009, they will begin writing Plans for Upson, Spalding and Lamar Counties. A lot of counties that wrote their plans in 2003 and 2004 are making updates. Mr. Hiatt said that he had met with Pike County several years ago when they were looking at doing this Plan. Per Mr. Hiatt, this plan is a document that allows you to identify and profile the hazards that are applicable to the County and identify the frequencies in which these hazards may occur. Goals and objectives are developed to mitigate the damage of these disasters. With this plan, you can then apply for grants for the use of purchasing property, improving

infrastructure, or anything that is in the potential hazard area. Without this Plan being approved by FEMA and GEMA, if a disaster were to happen, the local jurisdiction would be ineligible to apply for FEMA and GEMA grants to rebuild. FEMA would only fund emergency type activities. After the emergency was over, it would be up to the local community to rebuild. Low interest loans would be offered but grants do not need to be repaid. Chairman Fry asked Mr. Hiatt if any of the information that was gathered two years ago when this was started was still on file or available. Mr. Hiatt said that when he met with Pike County two years ago, they were just getting started with the process. Chairman Fry said that there were two more meetings after the initial one with Mr. Hiatt and that the data on frequency and types of disasters was done but he didn't know if any of this information had been forwarded to him. Mr. Hiatt said that none of that information had been received. Chairman Fry said that Chief Tyree had been at that meeting two years ago and he did get that information together but apparently didn't follow up on it. Chairman Fry said that this information may just have to be recreated. County Manager Marro said that this has been Mike Singleton's problem in that he's not been able to find any previous data on this. Mr. Marro said that this is an enormous task which is why it is taking a long time to get done, in addition to the fact that the EMA Director and Fire Chief are both volunteers. Mr. Singleton approached GEMA to see if there was any grant funding available to get this Plan done. GEMA has agreed to fund this, however, Pike County must pay upfront and GEMA will reimburse the County. Mr. Marro said that if a tornado, for example, tore up Route 19, Pike County would need to absorb the repair costs until FEMA agreed to reimburse the county which could take up to two years. This county, per Marro, could not afford to carry those costs that long, that's why the county needs to be eligible for these types of grants. Mr. Marro reiterated that the county is ineligible for applying for any FEMA and a lot of GEMA grants until this Plan is completed and adopted. Mr. Hiatt said that GEMA and FEMA consider non-emergency roads and bridges, water control facilities, public buildings, public utilities, etc. There is not a specific definition but there are a lot of things that are not covered for grant assistance for these types of repairs. Mr. Marro said that talked to Mr. Hiatt specifically about the RDC doing this because RDCs do these and they are pretty busy doing PDM's. Per Mr. Hiatt, GEMA started in 2003 doing three phases. Pike County will be in the third and final phase. Mr. Hiatt said that these plans take about 12 months to complete. Mr. Hiatt said that the county needs to ask GEMA if June 1st is the actual deadline. Since Pike County does not have a PDM, since 2004, they have been out of compliance as it is. If you rush the plan, you might miss something. Hiatt said that the plan may need to go through several FEMA and GEMA reviews and end up taking 12 months anyways. FEMA and GEMA are very picky about what they will accept. If it must be done by June, Hiatt would need to see what data is available now but he is not in a position to commit the RDC to doing the project at this time. Chairman Fry said that it's a no-brainer that this needs to be completed and adopted in order to be eligible for these grants. Any help that the county can get from the RDC would be helpful because they have done these before. The EMA Director is a volunteer and could add some assistance to the PDM but it will difficult for the county to get this done in-house especially with the June deadline. Commissioner Swift asked if this was referring to disaster grants, grants that the county doesn't get anyway. Chairman Fry said that after the immediate threat to life and limb has been stabilized the FEMA and GEMA people go home, the county is left with rebuilding at our own expense. If the PDM plan was in place, then the county is eligible for FEMA/GEMA grants to help rebuild. Mr. Hiatt said that if they are not able to facilitate the process, the RDC is available for assistance. Commissioner Swift was concerned with the cost as it has not been budgeted. Mr. Marro said that the cost is reimbursable so it would probably come out of the contingency fund and then be reimbursed by GEMA. The RDC's cost estimate is \$20,000.00. This cost is consistent with what an outside consultant would charge, per Hiatt. Mr. Hiatt suggested again that the county go back to GEMA and see if they could give a 12 month time frame to get this Plan completed. Mr. Hiatt said that the county is already out of compliance. Chairman Fry said that the county needs to move forward with this project but it would help if GEMA would allow 12 months for completion. County Attorney Morton asked Mr. Hiatt if there is a plan in process; won't GEMA look at that as far as their consideration on any extensions? Mr. Hiatt did say that if a

county is showing consistent effort and progress in trying to get a plan, they would be a little bit more lenient if a disaster did occur. Since this was started several years ago, FEMA might not waive this since it has taken so long to complete. Mr. Morton's point was that there was a proposal from Mr. Pete Nelms to do the PDM for \$15,000.00 and Mr. Hiatt said that RDC can do it for \$20,000.00. This needs to get done and this decision needs to be made.

MOTION

Commissioner Willis made the motion to go with Mr. Pete Nelms for the assist in the Pre-Disaster Mitigation Plan with the quoted amount of \$15,000.00 to be reimbursed by the grant which is authorized up to \$20,000.00 if the Pre-Disaster Mitigation Plan is finalized by June, 2009. Commissioner Garner seconded the motion. 5-0 vote.

B. Request to defer forward funds from FY 2008 Budget for line item 100-17-1550-523400-000 Printing & Binding-Tax Assessor's office. Jeannie Haddock, Pike County Tax Assessor spoke to the Commissioners regarding moving money from the 2008 budget to the 2009 budget. Ms. Haddock said that there was \$2,300.00 left in printing and binding in the 2007/2008 budget and she has requested that this money be moved to the FY budget. Per Ms. Haddock, the board of Assessors wants to do a reval. County Manager Marro said that the money remaining would go into the fund balance. Commissioner Garner said to spend what is necessary and then come to the Board of Commissioners with the invoices once the budgeted money is gone.

C. Ron Alexander has applied for a beer and wine pouring license. Chairman Fry read the application from Barnstormers Grill, LLC. County Manager Marro said that Mr. Alexander's background check came back clear.

MOTION

Commissioner Swift made the motion to approve the pouring license for Barnstormers Grill. Commissioner Powers seconded the motion. 5-0 vote.

Commissioner Willis suggested that there be separate applications for retail sales license and pouring licenses.

D. NAACP Presentation-Mr. James White, NAACP District Coordinator addressed the commissioners regarding the noose found in a county car. Mr. White wanted to know if the commissioners were aware of this incident. Chairman Fry said that a hog hobble was found in a spare county pickup truck. Mr. White asked how many employees in Pike County were African American. Mr. Marro said that he did not know how many employees were African American. Mr. White asked if the employee that had been terminated brought the noose to County Manager Marro. Mr. Marro said that nobody had brought a noose to him. Mr. Marro said that the employee had been terminated on a separate charge. Mr. White asked if one had anything to do with the other and Mr. Marro said no. Mr. White said that he is here as District Coordinator, appointed by the State of Georgia. He must investigate when he gets a call. He's not saying anybody is guilty. He said that it is strange that the young man that spoke with Mr. White said that his work was fine before the noose incident came up, but he didn't know if this was true or not. Chairman Fry asked Mr. White if he meant that the young man had gone to White and told him that his work was fine before the noose incident and by that he meant that there had not been written up for anything and there were no problems with his work record. Mr. White said that that is what Orlando Knight said. Mr. White said that he didn't know if Knight was telling the truth or not but he had to hear both sides. Commissioner Swift said that Knight did not lose his job per the accusation of the noose. Chairman Fry said that this was not related. Commissioner Swift asked that legal counsel step in and discuss this with Mr. White, saying that personnel issues are not public. County Attorney Morton said that he was not involved in the investigation that resulted in Mr. Knight's termination. Mr. Morton said that an investigation was conducted by the County Manager but related to the incident related to the noose, or hog hobble, the incident happened on August 20th. There was action taken in the department. A follow-up meeting in the department took place on September 22nd.

Immediately after the incident, a write up of the offending employee took place and he was counseled by his superiors. The write-up was placed in his personnel file. A meeting took place on September 22nd and it was brought back to the Commissioners attention because the Commissioners had not been informed of this incident. Mr. Morton was asked by the Board of Commissioners to conduct an investigation. Mr. Morton said that he interviewed ten employees, five white and five black, related to the incident and how it was handled. The grievance or complaint was related to a report that was issued by the supervisor versus what the employee had claimed the supervisor may or may not have told him. Mr. Morton said that he had issued a detailed report to the County Manager related to that. Out of the 10 employees that were interviewed, all but one indicated that there were no racial issues involved in this incident other than the noose being found a week after it was allegedly tied. The employees present at the time indicated that they were discussing hunting and it was actually referenced as a hog hobble. Mr. Morton said that all of the employees questions stated that they would take a polygraph test. Mr. Morton said that it appeared that the policies and procedures for this type of incident were followed on August 20th. Mr. Knight followed up with a grievance related to what his supervisor may or may not have told him during the interview process. This was provided to the County Manager and the County Manager upheld the previous policies and procedures had been followed. It was Mr. Morton's understanding that Mr. Knight was terminated for insubordination of his department head and inappropriate use of language that was confirmed by interviews of at least three separate employees that had nothing to do with the incident that occurred on August 20th. Mr. White said then that the termination of Mr. Knight came from insubordination? County Manager Marro said he was terminated for insubordination, inappropriate use of extremely foul language and progressive disciplinary action. Chairman Fry said then that there had been other disciplinary actions prior to that taken. Mr. Marro said yes. Mr. Knight had been spoken to, given time off, written up, given additional time off and the county had followed the personnel policy to the letter of the law. County Attorney Morton said that the noose incident had been follow up on by the department head and superior and that this was inappropriate. The employee was counseled. Mr. Morton said that County Manager Marro will be arranging racial sensitivity training. Ms. Connie Dallas at Public Works was addressing this issue at the workshop she held on the 22nd. Commissioner Garner asked if it was a noose or a hobble. Mr. Morton said that three of the employees had indicated that it was a hog hobble and had been left in the vehicle over a week prior to its discovery and was not intended to be found by anybody on particular. Commissioner Willis said that this was the first he had heard about a hog hobble. He said that they had received a letter from the county manager stating that it was a noose. Mr. Morton said that all he knew was that he had interviewed all of the employees involved and that was the term that was used. Mr. Eddie Collier said that this type of thing should not be happening now. Mr. Collier said that the employee should have been given time off and that this could be dangerous. Mr. White said that this needed to be nipped in the bud and that this needed to be addressed as it could have negative effects on the county. County Attorney Morton said that the incident happened in August but was not brought to the attention of the Board of Commissioners until either late September or early October. A workshop had been held on the personnel policy and the employee had signed the policy. Per Mr. Morton, the county manager was not in a position to invoke additional disciplinary action as the time period for filing a grievance had expired. Chairman Fry said that the employee had apologized to Mr. Knight and that Mr. Knight had said that he was ok with the apology. Mr. Knight later said that he was not ok with the apology and didn't say that he was. County Manager Marro said that he is having a hard time finding someone to do racial sensitivity training. Mr. White asked if there was camaraderie at Public Works. Mr. Morton said that all ten of the employees that he spoke with said that there were no problems at Public Works. One of the ten employees said that he hadn't been given the same consideration but that he didn't want to file a grievance. It was stated that Mr. Knight had been terminated because of violence toward his supervisor. In closing, Mr. White said that we needed to do what we can to do the right thing.

E. Farm Day proclamation. Chairman Fry read the Farm Day Proclamation for the record.

MOTION

Commissioner Garner made the motion to adopt November 21-27, 2008 as Farm City Week. Commissioner Willis seconded the motion. 5-0 vote.

F. Fill one (1) unexpired vacancy of Industrial Development Authority Board

Chairman Fry read the applications received from:

Andrea Callaway

Mark Whitley

MOTION

Commissioner Swift made the motion to appoint Andrea Callaway to the Industrial Development Authority. Commissioner Willis seconded the motion. 5-0 vote.

G. Request for approval of proposed buffer design from Double 'P' Grading. The Commissioners received a letter stating conversation between the Planning and Development department and the owner concurring with the Leyland cypress and the placement of those around the border.

MOTION

Commissioner Garner made the motion to approve the proposed buffer design for Double P Grading. Commissioner Powers seconded the motion. 5-0 vote.

The Board took a five minute break at this time.

H. Discussion with Georgia Broadband-Jerry O'Neal spoke to the commissioners regarding complaints received from customers of Georgia Broadband. County Attorney Morton said that there had been several complaints regarding Georgia Broadband. Chairman Fry asked if the complaints had been forwarded to GA Broadband. Mr. Jerry O'Neal said that he had received a few complaints and that all of them were from people out on Highway 19. Chairman Fry said that most citizens can't come to the day meetings and suggested that Mr. O'Neal speak at a night meeting. Commissioner Garner said that there had been complaints out on Patton Road and that he wanted them to be able to respond. It was mentioned that citizens had been treated rudely at GA Broadband's office. Mr. O'Neal said that he is aware of Mr. Pitts' complaints. A \$40.00 box will fix the problem, per O'Neal. He said that everything takes money. He said that he will talk to Mr. Pitts. Mr. O'Neal did say that that area had been cut off from cable and that he had told some customers to get a dish, especially in the Highway 19/Gresham Road area. Commissioner Garner asked if there had been a Second Reading pertaining to the cable system. County Attorney Morton said that the county hadn't finalized the contract regarding franchise fees but that they had approved the transfer from Rapid Communications to GA Broadband. Mr. O'Neal said that he would address the concerns that the Board has and that the service in Williamson had been upgraded. Commissioner Powers asked if the customers in the Hwy 19/Gresham Road area were being charged and O'Neal said no. Mr. Powers asked if there would be a reconnection fee and Mr. O'Neal said that there would not be a reconnection fee. Mr. O'Neal said that he does his best to address problems within 24 hours. Commissioner Powers asked how long it would be until that area had service and O'Neal said hopefully within 30-60 days. Chairman Fry said that there had been complaints in Ashley Glen. Mr. O'Neal said that he'd move some equipment if necessary and that work would resume in a few weeks. Mr. O'Neal said that the office is no longer on the square in Zebulon, that he had moved it to his home in Williamson. Mr. Morton said that Mr. O'Neal needed to get a business license and home occupation license in Williamson.

I. FY 2008 Budget amendment #1-Sanitation Fund #540. County Manager Marro said that that 540 Sanitation account is a separate account per the recommendation of the auditors. This fund is set aside and only tapped when there are expenses. The request to move the \$15,000.00 out of that account is for the additional barium and cobalt testing requested by the Georgia Department of Natural Resources. This is the cost to do the additional testing by GEC, the landfill closure company that the county has under contract to monitor the closing procedures.

MOTION

Commissioner Garner made the motion to approve FY 2008 Budget Amendment #1-Sanitation Fund (540). Commissioner Powers seconded the motion. 5-0 vote.

CHAIRMAN FRY CALLED FOR PUBLIC COMMENT

None.

CHAIRMAN FRY CALLED FOR EXECUTIVE SESSION

-Pending/Potential Litigation pursuant to O.C.G.A. § 50-14-2(1).

MOTION

Commissioner Willis made the motion to exit Regular Session and enter into Executive Session for the purposes of Pending/Potential Litigation pursuant to O.C.G.A. § 50-14-2(1) at 11:52 am. Commissioner Powers seconded the motion. 5-0 vote.

MOTION

Commissioner Powers made the motion to exit Executive Session and re-enter Open Session at 12:13 pm. Commissioner Swift seconded the motion. 5-0 vote.

As a result of Executive Session:

MOTION

Commissioner Garner made the motion that the attorney fees that were requested (by the Sheriff) be denied. Commissioner Powers seconded the motion. 5-0 vote.

Chairman Fry mentioned all of the hard work that Registrar Sandi Chamblin did during the last election.

Chairman Fry then mentioned the annexation notice received from the City of Zebulon pertaining to the Pike Feed and Seed lot. Commissioner Willis asked if the other lots in this area had been annexed. County Attorney Rob Morton said that there was some dispute on that.

Commissioner Swift asked if the turbo drafts were necessary or not. County Manager Marro said that he was told that the county needed to buy four (4) turbo drafts. Commissioner Swift said that these can't be taken out of the fire departments budget. Chairman Fry said to do the same as with the Tax Assessor's office and spend the money in the budget and then do a budget amendment for what's needed after the money is spent. Commissioner Garner agreed that the money for the turbo drafts should be taken from the fire department's budget.

MOTION

Commissioner Garner made the motion to adjourn at 12:20 pm. Commissioner Powers seconded the motion. 5-0 vote.

Chairman Steve Fry
Pike County Board of Commissioners

ATTEST:

Steve Marro
County Manager